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LETTER DATED 1 JULY 1998 FROM THE PERMANENT REPRESENTATIVES OF ALGERIA, EGYPT, THE LIBYAN ARAB JAMAHIRIYA, MAURITANIA, MOROCCO, THE SYRIAN ARAB REPUBLIC AND TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We refer to the forthcoming nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya at the beginning of July in accordance with Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 as a result of the dispute between the Libyan Arab Jamahiriya on the one hand and the United States of America and the United Kingdom of Great Britain and Northern Ireland on the other regarding the legal jurisdiction in trying the two suspects in the Pan Am flight 103 incident over Lockerbie, United Kingdom.

While the imposition of sanctions by the Security Council on one of the parties to the dispute was met with objection from the international community and raised doubts about the legality of such sanctions, it has become certain in view of the decisions of the International Court of Justice of 27 February 1998 that there was no legal basis for the imposition of these sanctions, for the two decisions confirmed the jurisdiction of the International Court of Justice to deal with the dispute, and that the Court should be allowed to decide on the issue. The two decisions also confirmed that sanctions should not have been imposed in the first place, for they were imposed to circumvent the decisions of the Court on the dispute, and their continuation has no justification.

The majority of the membership of the United Nations emphasized during the public debate of the Security Council on 20 March 1998 the following:

1. The imposition of sanctions against one party to the dispute to satisfy the demands of the other parties was not justified, and thus the majority demanded that the sanctions should be lifted until the International Court of Justice decides on the substantive issues of the dispute;

2. Criticism of the way in which the Security Council renews the sanctions imposed on the Libyan Arab Jamahiriya every 120 days, in complete disregard of all the developments in the dispute since they were imposed the first time;

3. The lifting of the sanctions is logical, justified and a matter of urgent consideration;

4. The continuation of this situation, especially the disregard of the International Court of Justice and the will of the majority of the Member States, damages the prestige of this Organization and the credibility of its principal organs.

The Arab Summit Conference held in Cairo in 1996 called for lifting of the sanctions imposed on the Libyan Arab Jamahiriya. Furthermore, the Council of the League of Arab States welcomed the two judgments of the International Court of Justice and demanded the immediate lifting of those sanctions.

The Arab requests were reinforced by the declaration of the Ministerial Meeting of the Movement of Non-Aligned Countries, held in Cartagena, Colombia, from 18 to 20 May 1998, which also welcomed the two judgments of the International Court of Justice concerning the dispute and called for the immediate suspension of the sanctions imposed on the Libyan Arab Jamahiriya until delivery of the judgment by the International Court of Justice. The Ministers recommended that the Twelfth Summit Conference of the Movement of Non-Aligned Countries should adopt a resolution that would end compliance with the resolutions on sanctions if the Western States concerned failed to respond favourably, by the date of the scheduled review in July 1998, to the proposals put forward by the League of Arab States, the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference.

The Arab requests were further reinforced by the decision of the Assembly of Heads of State and Government of the Organization of African Unity, held in Ouagadougou, Burkina Faso, from 8 to 10 June 1998, to request the lifting of the sanctions imposed on the Libyan Arab Jamahiriya and to comply no longer with the resolutions on sanctions, with effect from September 1998, if the United States and the United Kingdom failed to respond favourably to the proposal to try the two suspects in a third, neutral country.

The decisions issued by these forums are based on the Charter of the United Nations and represent the position of the majority of the international community, on whose behalf the Security Council is supposed to act. The Security Council's disregard of all these calls and decisions issued by the League of Arab States, the Organization of African Unity and the Movement of Non-Aligned Countries since the beginning of the dispute makes light of the will of these States and their organizations at a time when the Council acts according to the wishes of other regional organizations with regard to problems and disputes occurring within their geographical sphere. The Security Council is therefore requested immediately to lift the sanctions imposed on the Libyan Arab Jamahiriya.

We, the members of the Arab Committee of Seven, believe that compliance with the judgments of the International Court of Justice and response to the will of the international community, will strengthen the credibility of the principal organs of the United Nations and prevent these organs from plunging into a constitutional crisis that would damage their prestige.

Taking into consideration all of the above, we call upon the Security Council to:

1. Immediately lift the sanctions imposed on the Libyan Arab Jamahiriya by accepting one of the options submitted by the Organization of African Unity, the Arab League, the Non-Aligned Movement and the Organization of the Islamic Conference; or

2. Suspend the sanctions imposed on the Libyan Arab Jamahiriya pending the judgment of the International Court of Justice on the issue.

We should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ali HACHANI
Ambassador
Permanent Representative
of Tunisia

(Signed) Nabil ELARABY
Ambassador
Permanent Representative
of Egypt

(Signed) Abdallah BAALI
Ambassador
Permanent Representative
of Algeria

(Signed) Ahmed SNOUSSI
Ambassador
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(Signed) Mikhail WEHBE
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(Signed) Mahfoudh OULD DEDDACH
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(Signed) Abuzed O. DORDA
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